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on Wednesday, 2 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 10.45 a.m.

STATEMENT BY MS. MARTA ALTOLAGUIRRE, MINISTER FOR HUMAN RIGHTS OF GUATEMALA

1. Ms. ALTOLAGUIRRE (Guatemala) said that, with the valuable help of the Peace Commission and the goodwill of the Unidad Revolucionaria Nacional Guatemalteca (URNG), the peace process had been concluded by the signing on 29 December 1996 of the Agreement on a Firm and Lasting Peace, supplementing the nine agreements previously signed. The agreements paved the way for building a multi-ethnic, multicultural and multilingual nation and implementing a policy of sustainable development for the benefit of all Guatemalans.

2. The Comprehensive Agreement on Human Rights, had ushered in a combat against impunity which had led to the dismantling of 38 gangs of kidnappers and the prosecution of 177 State agents, particularly military personnel and police officers. Enforced disappearances, extrajudicial executions and torture were characterized as serious offences in the Penal Code, and a law had been enacted on protecting persons brought before the courts and personnel administering justice. A centre for the administration of justice had been established, with the cooperation of the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA) and the support of the Swedish Government; it served the regions that had been the hardest hit by the armed confrontation.

3. To purge the security forces and make them more professional, 219 officers had been removed from their functions for committing unlawful acts and various training programmes were being implemented with assistance from friendly countries. On the justice side, 45 judges had been removed for corruption or dereliction of duty.

4. In connection with the Agreement on the Bases for the Legalization of the Unidad Revolucionaria Nacional Guatemalteca, a number of individuals, including Myrna Mack, Jorge Carpio and Xamán, had not been allowed to take advantage of the Reconciliation Act, because the offences with which they were charged were ordinary crimes not directly related to the armed confrontation.

5. Under the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, the volunteer civil defence patrols had been dismantled. She noted in that connection that, on the one hand, the State had begun compensating the members of the community of Colotenango, which had been victimized by the above-mentioned patrols and, on the other hand, that a law on compensation of the victims of the armed confrontation would be adopted shortly. Members of the armed forces accused of ordinary offences would henceforth be tried by the civil courts.

6. Under the Agreement on Identity and Rights of Indigenous Peoples, several joint commissions had been established to coordinate, in cooperation with the Secretariat for Peace, the administrative, legislative and judicial measures provided for under the peace agreements. On 19 March 1997, the National Council of Elders (Mayas) had been established in order to facilitate the participation of ethnic groups in areas such as training, production, marketing, culture, education, environment and handicrafts.

7. Since November 1994, MINUGUA had also been helping to consolidate the national institutions. The Commission to clarify past violations and acts of violence that had caused the Guatemalan population to suffer should shortly begin work.

8. Despite the serious problems of extreme poverty, urban insecurity and organized crime, which fed on the weakness of the institutions, her Government, with the help of the international community, would endeavour to strengthen peace and introduce a multi-ethnic, multilingual and multicultural State under the rule of law, in accordance with the peace agreements which had brought 36 years of armed confrontation to an end.

STATEMENT BY MR. EPHREM SETH DORKENOO, MINISTER OF JUSTICE AND HUMAN RIGHTS OF TOGO

9. Mr. DORKENOO said that his Government was convinced that no development was possible if human rights and fundamental freedoms were flouted. It therefore focused its efforts on gradually building up a democratic State. Each Togolese was invited to make a personal contribution to that end.

10. At the international level, the hopes raised by the political upheavals at the beginning of the current decade, such as the fall of the Berlin Wall, the introduction of political and trade-union pluralism in the developing countries and the end of apartheid, had been somewhat disappointing. The growing number of refugees, displaced persons and excluded persons, pockets of tension and re-emergence of terrorism and organized crime showed how seriously human rights were endangered. His Government wished to pay tribute to the Commission on Human Rights and the High Commissioner for Human Rights for their efforts to redress those problems.

11. His Government, aware that ignorance of human rights was often the cause of social and humanitarian crises, was attempting to establish a policy of education in the field of human rights. The Ministry of Justice and Human Rights, the National Human Rights Commission and other institutions, together with non-governmental organizations (NGOs), were working towards raising the people's awareness of the fundamental values of freedom and democracy through seminars, information campaigns and programmes, especially on the rights of children and women, the fundamental rights and freedoms, particularly trade-union freedoms, and freedom of the press.

12. In the same spirit, on 22 March 1996, his Government had signed an agreement with the Centre for Human Rights on the implementation of a three-year cooperation programme under which three training seminars had already been organized, on the drafting and submission of national reports, on international standards for the administration of justice and on the role of the armed forces in the promotion and protection of human rights. In addition, a human rights documentation centre was in the process of being established. His Government took the opportunity to express its gratitude to the Centre.

13. Building a democratic State required the establishment of a sound judicial system capable of rendering justice fairly. His Government's efforts in that area had led to the adoption of a set of instruments establishing a

constitutional court, setting forth regulations for the functioning of the Supreme Court and the organization and functioning of the Supreme Judicial Council and defining the status of judges. Organizational acts governing the organization and functioning of the Supreme Audiovisual and Communications Authority of the National Human Rights Commission had also been adopted and promulgated by the Head of State. Establishing all those institutions required considerable material, logistic and human investment, and his Government hoped that the cooperation it had begun with the Centre for Human Rights could be extended to those new areas. In that connection, an assistance programme for the prisons administration was being negotiated as part of bilateral cooperation, and further assistance would be necessary.

14. Although there was no doubt that civil and political, economic, social and cultural rights, democracy and development were interdependent, it was no less true that the effective enjoyment of all human rights was dependent on the level of economic development and the achievement of social progress. The Togolese authorities were consequently working to improve the country's economic situation in order to provide the people with harmonious and sustainable development. Regrettably, the economic environment was unfavourable and, like other developing countries, Togo was faced with the cut-throat competition made necessary by the challenges of international trade; it needed the international community's solidarity to obtain the means required for its new institutions to function effectively.

15. Fratricidal struggles and the human rights violations that went with them often arose from intolerance and lack of understanding, as attested by the tragedy that was taking place in the Great Lakes region. The Togolese Head of State, faithful to his policy of openness and dialogue, had called for an immediate ceasefire in the region, but had also taken the initiative for holding the first Special Summit of the Central Body of the Mechanism for Conflict Prevention, Management and Settlement of the Organization of African Unity (OAU), held at Lomé on 26 and 27 March, with the participation of the Secretary-General of the United Nations.

16. There was no doubt that achieving the implementation of human rights was a long-term project requiring a daily and sustained effort; Togo would take every opportunity at both the national and international levels to strengthen democracy and the rule of law.

STATEMENT BY MR. LJUBOMIR DANAILOV FRCKOSKI, MINISTER FOR FOREIGN AFFAIRS OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

17. Mr. FRCKOSKI (The Former Yugoslav Republic of Macedonia) said that he would like first of all to express his appreciation to the former High Commissioner for Human Rights for his efforts to improve the United Nations human rights programme, in the framework of the restructuring of the Centre for Human Rights, and for the efficiency with which the technical cooperation between the Macedonian Government and the Centre had been conducted.

18. It was indisputable that much progress had been made since the adoption of the Universal Declaration of Human Rights, but there were still numerous examples of human rights violation and of an insufficient and occasionally delayed reaction by the United Nations. In that context, he welcomed the

statement of the Secretary-General who, at the opening of the current session, had promised to be a champion of human rights and ensure that human rights were fully integrated into the action of the Organization in all other domains.

19. The fiftieth anniversary of the Universal Declaration was an opportunity to take stock of what had been achieved and identify the targets still to be attained. Everyone knew that the maintenance of peace and stability was indispensable to respect for human rights. Preventive action, in particular through education, counselling and economic and other assistance, was thus of pivotal importance. The area of human rights presented the real challenge to preventive diplomacy, which should make unnecessary all future tribunals for war criminals. In that connection, the efficient work of the existing international tribunals for war criminals deserved everyone's support.

20. In half a century, an impressive infrastructure of standards covering almost all categories of human rights and freedoms had been created. Any further proliferation of human rights instruments was futile unless the existing ones were genuinely implemented. However, although the primary responsibility for doing so was vested in Governments, it must always be borne in mind that respect for human rights was a legitimate concern of the international community. What was significant was the adoption of standards to reinforce the existing ones and, in that context, his Government supported the elaboration of optional protocols designed to improve the promotion of the rights of children and women. In the same vein, it agreed with the members of the Commission who had stated that adopting a large number of resolutions was not the real answer to existing problems. It was high time to specify which issues should be discussed every year and which should be discussed biennially or triennially.

21. The issue of the correlation between economic, social and cultural rights on the one hand and civil and political rights on the other remained open. It was a fact that democracy and the rule of law were the best prerequisites for economic and social progress, as it was true that the improvement of economic and social status had a positive influence on the development of political rights. In that respect, the adoption by consensus of the resolution on the right to development at the Commission's fifty-second session had been a major achievement.

22. The role of the NGOs and human rights defenders was particularly important. Their courage must be supported, and he hoped that the current session would be marked by the adoption of an instrument to protect their safety.

23. As the representative of a European country, he felt it necessary to point out the significance of closer cooperation between the United Nations and regional organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). In view of the unfavourable financial situation of the United Nations, cooperation with those organizations could be a useful way of avoiding overlapping of activities.

At the Commission's preceding session, his delegation had proposed that the United Nations, OSCE and the Council of Europe should prepare a comparative study on the position of national minorities in the Balkans, an idea which had received the support of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mrs. Rehn.

24. On a universal plane, more concrete United Nations action was needed in the area of minority rights, as attested by the recent emergence of numerous ethnic tensions. Everything seemed to indicate that ethnic and cultural diversity and religious beliefs, rather than serving peace and progress, were becoming generators of conflicts. In such circumstances, the United Nations could not restrict itself to abstract discussions, which was unfortunately becoming the practice of the newly-formed Working Group on Minorities. He hoped therefore that the Commission would consider appointing a thematic rapporteur to study questions relating to ethnic, religious and linguistic minorities.

25. He stressed the importance of international follow-up in general, both for specific human rights categories and for the country procedure, and of the work of the Commission's Special Rapporteur, Mrs. Rehn, in particular. The view of the Special Rapporteur was that the human rights situation in the Republic of Macedonia was considerably better than the situations in other countries in the region and she had consequently recommended that his country should soon be exempted from her mandate. Cooperation with international experts had confirmed the appropriateness of the Government's policy, which was to make respect for human rights a constant priority of democratic institutions and practice in the State, despite an extremely difficult situation. That policy had also made it possible to rationalize minorities' demands and wishes and place them in the context of European and international standards. The Republic of Macedonia therefore hoped to continue to cooperate with the monitoring mechanisms of the international organizations of which it was a member, based on the principles of equality of States and respect for their specific features. It was a party to all the fundamental United Nations human rights conventions. At the regional level, it had ratified the European Convention on Human Rights and the Framework-Convention for the Protection of National Minorities, as well as the relevant OSCE instruments.

26. At the national level, his Government, aware of the need for respecting diversity as a fundamental factor of the internal stability of States, had been paying special attention to the protection and promotion of the rights of persons belonging to national minorities. The clear and comprehensive legal framework for protecting minority rights fully corresponded to the minimum international standards in the field and even went beyond them in some areas. The Government had also been implementing an affirmative action policy to strengthen the integration into society of persons belonging to national minorities, while maintaining their ethnic and cultural features. Positive results had been achieved in the spheres of education, State administration, culture and the media.

27. There was a long tradition in The Former Yugoslav Republic of Macedonia of mutual tolerance and understanding among the various cultural communities. But such a tradition must be strengthened continually, in civil society, by developing not only harmonious inter-ethnic relations but respect for each

person's individuality. Otherwise, the feeling of ethnic affiliation ran the risk of intensifying, becoming politicized and resulting in intolerance, as attested by the tragic history of the Balkans. In that connection, the Macedonian Parliament had adopted the Declaration on the Promotion of Inter-Ethnic Relations in the Spirit of Tolerance, Dialogue, Mutual Respect and Confidence, reaffirming the Republic's commitment to integrating all its citizens, independently of their ethnic affiliation. Respect for those fundamental principles, which had made it possible to keep ethnic extremism on the margin of society, appeared to be the only way to resolve the minority question in the Balkans as a whole and should become a reality throughout the world.

STATEMENT BY MR. VALDIS BIRKAVS, MINISTER FOR FOREIGN AFFAIRS OF LATVIA

28. Mr. BIRKAVS (Latvia) reiterated the assurances of his country's support for reform initiatives in the Centre for Human Rights, which had played a pivotal role in setting standards for the system of protection of human rights in Latvia. His Government was fully determined to apply all the human rights standards in force.

29. In the wake of the Vienna Conference, Latvia had drawn up a national programme for the protection and promotion of human rights, the cornerstone of which was the National Human Rights Office. The Office, which had begun operating in 1995, had recently become a fully fledged member of the International Institute of Ombudsmen, where it was the only representative of the Baltic States. Unlike other institutions of the type, the Office did not simply consider complaints from individuals against the authorities. It was responsible for improving the general human rights situation and conducting public education and information activities as well. Its views had become an important factor in the formulation of national human rights policies and the development of national legislation. The United Nations Development Programme (UNDP) and the United Nations Centre for Human Rights had recently completed a "Project Impact Statement" regarding the effect of the multi-donor international assistance project "Capacity-building of the National Human Rights Office". The Statement stressed the success of that effort at international cooperation in the field of human rights. The Office's independence, which was part of a broader status encompassing legislative, judicial and administrative reform, was set forth in a law adopted in December 1996. With the establishment of the Constitutional Court of Latvia, which had held its first session in December 1996, the system of domestic remedies was in place and functioning.

30. At the same time, Latvia was acting on its international commitments. The European Convention on Human Rights, which it had signed on joining the Council of Europe, had been submitted to Parliament for ratification without reservations. Aware of the importance of regional cooperation, Latvia participated actively in the Council of Baltic Sea States, and would be holding the chairmanship of its Working Group for Assistance to Democratic Institutions until 1998. It also participated in regional consultations on national human rights institutions, which were examples of successful cooperation between the United Nations, the Council of Europe, OSCE and the

Council of Baltic Sea States. The Centre for Human Rights should continue to widen and deepen cooperation with regional organizations in order to improve the information flow and avoid duplication of efforts.

31. On the eve of the fiftieth anniversary of the Universal Declaration of Human Rights, it was natural to look back to the beginnings to find renewed vigour and direction for the future. If the letter and spirit of the Charter of the United Nations were to be respected, however, United Nations human rights institutions and mechanisms must under no circumstances be allowed to be exploited as an arena of political point-scoring, which would undermine their credibility and, hence their effectiveness. In recent years, new human rights challenges had appeared, which the Commission should evaluate to determine whether action needed to be taken. Latvia was prepared to make its contribution to resolving those challenges.

INDIGENOUS ISSUES (agenda item 24) (continued) (E/CN.4/1997/100, 101 and 102; E/CN.4/1997/NGO/35; E/CN.4/Sub.2/1996/21)

32. Mrs. PENNA (Brazil) said that she wished to refer to the domestic situation of indigenous people in her country. Indigenous peoples' rights to ethno-development and the preservation of their cultural identity were based on a series of legal guarantees and constitutional rights, such as the right to possess land, the right to dignified living conditions, the right to participate in the political life of the country and the right to nationality. Those were precisely the goals of her Government's policy for indigenous people.

33. The land question was essential. Indigenous lands represented 11.13 per cent of the national territory, or the equivalent of France and England together. Of 554 indigenous areas recognized by the National Indian Foundation (FUNAI), 223 had been defined and registered, 52 were in the process of demarcation and 136 had been identified or were in the process of being identified. The demarcation process had made important progress in 1995 and 1996. As the administrative procedure had been challenged before the Supreme Court, the Government had issued Decree No. 1775/96 to provide the demarcation process with more transparency and legal guarantees, in order to avoid having the process stopped.

34. Land demarcation alone, however, was not sufficient. It was necessary to take steps to protect the groups concerned against farmers, miners and adventurers lured by those lands, most of which were located in areas of difficult access near the borders. FUNAI spent about 30 per cent of its budget on removing intruders from the indigenous areas.

35. Another priority area for Government action was the development of health and education. The Government radio broadcasting system had created special radio programmes for the indigenous groups. The Ministry of Agriculture and FUNAI had developed a programme to support productive and farming activities by indigenous people. Environmental protection was also a concern, and the Government was intensifying measures to prevent the illegal and predatory exploitation of natural resources in the regions where indigenous people lived. The Government was also promoting self-sufficiency and community development within indigenous groups.

36. Despite the progress made, there were still many problems to be solved. As most of the indigenous communities lived in the Amazon region, it was indispensable to draw up economic development projects for the region which were compatible with the preservation of the environment and the protection of indigenous territory, where some 300,000 prospectors and miners continued to endanger the indigenous communities' survival.

37. Her Government welcomed the multilateral debate on the rights, well-being and sustainable development of indigenous people, which had led to conceptual and practical advancement on the issues. Further efforts were needed to clarify important areas and ensure that the international community adopted standards dealing with the specific situation of indigenous people, in a manner consistent with basic human rights instruments and the principles of the Charter.

38. Her delegation welcomed the report of the Working Group on the draft declaration on the rights of indigenous people on its second session (E/CN.4/1997/102). Divergent views persisted, and Governments and indigenous representatives would have to continue their constructive dialogue to enable the Working Group to reach an agreement on the draft declaration. The Working Group's mission was to find a common platform on which all the nations of the world could rely to promote the recognition and enjoyment of indigenous rights, based on the diversity of their situations throughout the world.

39. She noted the comments in paragraph 7 of the report of the Secretary-General on the establishment of a permanent forum for indigenous people (E/CN.4/1997/100), concerning the growing interest in indigenous issues among the different organizations and departments of the United Nations system and the existence of a number of indigenous-related programmes and projects being implemented and planned by United Nations agencies. Her delegation welcomed the holding in Chile of a second workshop on the possible establishment of a permanent forum for indigenous people.

40. Brazil was willing to give favourable consideration to proposals for improving the participation of indigenous people in the work of the United Nations. Existing arrangements, however, particularly within the Commission and its subsidiary bodies, had already provided for broader participation. In any solution envisaged, Governments should maintain their prime responsibility for ensuring the framework for the promotion of initiatives set for the International Decade. In that regard, her delegation felt strongly that contacts between the United Nations and national indigenous groups should continue to be channelled through Governments.

41. Mr. LORD (Canada) said that the consultations and preparations for the current session of the Commission had reinforced his delegation's conviction of the advisability of adding a separate item on indigenous issues to the Commission's agenda.

42. The Commission unquestionably had a central role to play in realizing the programme of activities for the International Decade of the World's Indigenous People. One of the major activities - and a priority for Canada - was the adoption of a declaration on the rights of indigenous people. In 1995, his delegation had strongly supported the establishment of an open-ended

inter-sessional working group to conduct negotiations on that issue. The second session of the Working Group had marked a positive step towards the adoption of a strong and effective declaration. In that connection, he stressed the particularly valuable work of the Chairman of the Working Group, who had indicated his willingness to meet informally with organizations of indigenous peoples at the current session. It could not be overemphasized that the participation of organizations of indigenous peoples was critical to the success of the joint efforts to elaborate a declaration.

43. In order to advance the work, his delegation would be introducing a resolution authorizing the open-ended inter-sessional Working Group to meet for a period of 10 working days prior to the Commission's fifty-fourth session. As well, in the framework of its preparations for the following session of the Working Group, his Government had entered into an intensive process of meetings with the aboriginal peoples of Canada.

44. As it had done for many years, his delegation would support the continuation of the mandate of the Working Group on Indigenous Populations, which played an important role in reviewing developments affecting indigenous peoples and addressing specific issues of concern to them. It reiterated its encouragement to the Working Group to explore innovative and direct measures for enhancing the contribution of indigenous peoples to the Group's work.

45. His delegation would be sponsoring a draft resolution calling for a second workshop on a possible permanent forum for indigenous peoples in the United Nations, as well as the draft resolution on the International Decade of the World's Indigenous People. In that regard and in connection with the establishment of a permanent forum, it was important to note three recent documents which provided a comprehensive picture of the many positive activities, as well as deficiencies, in the ways in which indigenous issues had been addressed within the United Nations system. They were the report of the Secretary-General reviewing existing mechanisms, procedures and programmes within the United Nations concerning indigenous peoples (A/51/493), the report of the Secretary-General on implementation of the programme of activities for the Decade (A/51/499) and the report of the High Commissioner for Human Rights and the Coordinator of the Decade to the Commission (E/CN.4/1997/101).

46. Lastly, he drew the attention of the members of the Commission to a series of national activities conducted in the framework of the Decade: the National Aboriginal Achievement Awards; National Aboriginal Day on 21 June, during which local events had been held in aboriginal communities and government offices throughout the country; the Canada-Mexico Aboriginal Economic Round Table, which had made it possible to identify the steps needed to implement partnerships, and a project on the development of a plain-language version of the Declaration and a pamphlet in Inuktitut Oji-Cree, French and English.

47. Mrs. REGAZZOLI (Argentina) said that only international cooperation, the elaboration of fundamental standards and sincere political will would make it possible to find real solutions for the specific problems of indigenous people. Argentina had made significant changes in its legislation to that end and had explicitly recognized the rights of indigenous people as part of a 1994 reform of the Constitution. Indigenous people in Argentina represented

approximately 1.5 per cent of the population and were divided into 16 ethnic groups living in 12 provinces. The amendments to the Constitution were not only important in themselves but also interesting in that all the concerned sectors had actively participated in preparing them. The constitutional reform explicitly recognized the fact that indigenous people had existed before the national State and the provincial states had been formed.

48. In October 1996, the Head of State had launched a national plan for cooperation with the indigenous communities, under which the legal personality of those communities had been recognized, as well as the inalienable right of indigenous people to the lands on which they lived. In that context, the National Institute for Indigenous Affairs was actively working on the transfer of lands to the communities that had been living on them since time immemorial. A programme of bilingual and intercultural education, promotion of fellowships for indigenous people, and restoration, development and preservation of each community's traditions and customs had been implemented. Assistance had been provided by Spain and the European Union. Lastly, a primary health-care programme for indigenous communities had been set up to extend and improve primary health-care strategies, enhance the indigenous communities' medicinal knowledge and practices and provide their members with auxiliary health training.

49. A Guaraní grammar had been published and distributed to schools and libraries in Paraguay, Bolivia, Brazil, Uruguay and Argentina. Its purpose was officially to recognize, disseminate and preserve Guaraní, the traditional language that was part of the cultural heritage of the people of the region.

50. If the rights of indigenous populations were threatened, legal channels were clearly the best way of obtaining protection and respect for those rights. The complaint lodged with the Argentine system of justice and mentioned by the representative of the Permanent Assembly for Human Rights was the best example of the protection which democratic institutions in the Republic of Argentina offered all its citizens.

51. Mr. ROSALES DIAZ (Nicaragua) said that his country, more than 10 per cent of whose population was made up of ethnic minorities, commended the activities of the United Nations bodies and agencies, particularly UNESCO, on behalf of indigenous people. He thanked the Government of Chile for agreeing to host the second United Nations workshop on the possible establishment of a permanent forum for indigenous people. His Government, which had ratified the Convention establishing the Development Fund for the Indigenous People of Latin America and the Caribbean, would like to see that type of cooperation strengthened.

52. The International Decade for the World's Indigenous People, proclaimed in 1994, was a real challenge to Latin America, where indigenous people represented more than 26 million people belonging to 400 different ethnic groups. On the eve of the twenty-first century, it was time to involve those population groups in decision-making, in particular for the elaboration, implementation and monitoring of the major objectives set forth in the Programme of Action for the Decade. His delegation once again welcomed the fact that the Programme of Action provided for the member States to recognize the existence, identity and rights of indigenous people, in the framework of

constitutional reforms and legislation aimed at improving their legal status and guaranteeing their territorial, economic, social, cultural, political and civil rights.

53. For its part, his Government had recognized the multi-ethnic nature of its population by establishing in the national Constitution an autonomous status for the regions of the country's Atlantic Coast. The July 1995 constitutional reform had led to recognition of the existence of indigenous people, who enjoyed the rights, duties and guarantees set forth in the Constitution, especially with regard to the preservation and development of their identity, their culture and their particular forms of social organization and local administration. The rights of indigenous people over community lands were also recognized.

54. His delegation believed that the draft United Nations declaration on the rights of indigenous people must contain certain essential aspects, such as the right to use of the land and natural resources, the right to economic development consistent with the interests and traditions of indigenous cultures, recognition and respect for traditional authorities, recognition of the various languages and the right to bilingual education when necessary. It was also indispensable to recognize the historic rights of indigenous people in order to guarantee their participation in decision-making at the national level. It was satisfying to note that the report of the Working Group established to prepare the draft declaration (E/CN.4/1997/102) indicated that other States and numerous indigenous organizations agreed with Nicaragua on the need for a balance between indigenous people's right to self-determination and the concept of the unity and territorial integrity of States. In keeping with its own experience, Nicaragua was convinced that it was possible to reconcile those two objectives as long as true political will existed and the specificities of each case were taken into account.

55. More than half a century after the establishment of the United Nations and on the eve of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, it was regrettable that no declaration on the rights of indigenous people had yet been adopted. His delegation urged the Working Group to expedite its work in order that the declaration might be adopted rapidly, with the full participation of indigenous representatives.

56. Mr. ROMERO REYES (Mexico) said that, in the context of the International Decade of the World's Indigenous People, the international community must make a firm commitment to promote and respect the legitimate rights and aspirations of indigenous people and work to eliminate obstacles such as extreme poverty and marginalization, which prevented them from becoming a reality. His Government endorsed the definition in article 1 of International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, which was the only international instrument in force that took account of developments in international law and the recent situation of indigenous and tribal people in all the regions of the world. He appealed to all States that had not yet done so to ratify that Convention.

57. Mexico attached the greatest importance to the demands of indigenous people, so much so that it had taken the historic decision to embody them in its Constitution. Article 4 of the Mexican Constitution recognized the

country's multicultural make-up and stipulated that the law should protect and foster the development of the languages, cultures, customs, resources and forms of social organization of indigenous people and guarantee their members effective access to the system of justice of the State. Meeting the historic aspirations of indigenous people with regard to justice, land ownership and other political and social rights was one of the priorities of the national development plan for the period 1995-2000.

58. In the area of the administration of justice, the National Human Rights Commission had conducted a series of studies that had been used in 1991 to amend various provisions of the Federal Code of Criminal Procedure and the Code of Criminal Procedure for the Federal District, providing in particular that indigenous people who did not speak Spanish must be assisted by an interpreter at all stages of the criminal procedure and that judges must take all elements into consideration when investigating and evaluating the personality and situation of offenders belonging to ethnic groups. The need had been emphasized to further the analysis of the constitutional bases of the indigenous communities and of their legal customs, to ensure compatibility between their traditional standards and institutions and the federal and local legal system, to seek a solution ensuring respect for the autonomy of indigenous people, municipalities and regions and to establish a new legal framework to meet the legitimate aspirations of those groups.

59. Since the outbreak of the conflict in the State of Chiapas on 1 January 1995, his Government had always stated that political negotiation was the only solution. To that end, the Congress of the Union had adopted on 11 March 1995, the Act relating to Dialogue, Reconciliation and Peace in Dignity in Chiapas. The process of dialogue that had emerged from the conflict was innovative, because the parties pledged themselves to seek a peaceful solution, authentic, because the participants expressed their demands unreservedly, with freedom and respect, fruitful, because it had made it possible to establish a new relationship between the State and the indigenous communities and, finally, credible, because the rebel group had announced its intention of becoming a legal political formation. His Government considered the current break-off in dialogue to be temporary and was prepared to resume negotiations.

60. On the occasion of the International Year of the World's Indigenous People, the international community should work for the early adoption of specific initiatives such as the establishment of a permanent forum for indigenous people in the United Nations and the elaboration of a draft United Nations declaration on the rights of indigenous people as well as the activities suggested in the report of the Secretary-General (A/51/499), which his delegation fully endorsed. Regarding the establishment of a permanent forum, which would enable indigenous people to express their concerns and proposals for United Nations activities, his Government had taken note of the progress achieved at the first workshop and welcomed the Chilean Government's decision to host a second one. It had also taken note of the concern expressed by the indigenous representatives in the Working Group responsible for preparing the draft declaration and urged participants to seek agreements that would take account of those groups' hopes and needs. The Working Group should speed up its work with a view to completing its mandate before the end of the current decade.

61. Ms. SPALDING (International Association of Educators for World Peace) said that, in joint statements with indigenous people, her organization had for years been emphasizing the need for the United Nations system to give as much weight to natural sacred spaces as it did to man-made sacred places, such as monasteries, temples and mosques. The land on which many indigenous people had been living for generations was often not only a political territorial claim but was deeply connected to the practice of their sacred ways. Some Governments had recognized the sacred relationship to the land. The United States Indian Religious Freedom Act, passed in 1978, in which geographically-based religion was recognized, had set an excellent precedent. Efforts to enforce it had not yet been successful, however, as attested by certain legal proceedings currently in progress.

62. On 31 March 1997, the United States federal courts had decided to evict the traditional Dine people from its sacred lands on the Big Mountain and settle them elsewhere. The legal counsel for the traditional Dines had recently confirmed the fact that the territory was sacred to both Dine and Hopi, and that the two groups were determined to find a mutually respectful way to protect the land. It had recently become apparent that mining interests were behind the resettlement process. Together, the traditional Dine and Hopi elders were determined to halt the desecration of their sacred lands by the mining project. The legal counsel for the two groups reported that, curiously, when non-Indians were involved in relocation issues, they had not been encouraged to move and monetary settlements had been found for the injured parties. The fact that such harsh and forcible relocation orders appeared about to be implemented concerning Indians raised the question whether that unequal treatment was not just financially motivated but racially motivated as well.

63. The 1989 decision by the federal court in Indianapolis to restore sacred objects to a religious group had set a precedent that should be used to help the Dine people. The Permanent Representative of the United States of America to the United Nations, Mr. William Richardson, was from the Big Mountain area, and his editorials in the Los Angeles Times indicated that he was sensitive to the rights of American Indians. Her organization therefore had good reason to hope that he would apply his goodwill to the Big Mountain situation in two ways: to encourage the federal courts to allow time for the traditional Dine and Hopi elders to work out a mutually respectful solution, and to ask the Secretary-General to instruct the appropriate Special Rapporteur to visit Big Mountain post-haste.

64. Mr. BAER (Saami Council) said that establishing a separate item of the Commission's agenda for indigenous issues enabled indigenous representatives to have a direct dialogue with the members of the Commission.

65. In its resolution 51/78, the General Assembly asked the Commission to consider the convening of a second workshop on the possible establishment of a permanent forum for indigenous people in the United Nations. His organization welcomed the proposal of the Government of Chile to host the workshop and fully endorsed the observations made by the representative of Denmark, on behalf of the Nordic countries and the Home Rule Government of Greenland.

66. The adoption of a United Nations declaration on the rights of indigenous people was of crucial importance to indigenous communities. Because of the United Nations rules, however, the representatives of indigenous people, communities and organizations could not participate fully in preparing the declaration. General Assembly resolution 51/78, which should improve the situation, was thus welcome.

67. As land and natural resources were of crucial importance to indigenous people throughout the world, it was essential that the Commission should authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur to conduct a study on the land rights of indigenous people.

68. Following extensive discussions, representatives and some delegations had reached the conclusion that the best way to make sure that the international standards in force concerning indigenous people were implemented would be to appoint a special rapporteur to report to the Commission on the steps taken by States to resolve the problems encountered by indigenous communities, on action to facilitate dialogue between indigenous people and Governments and on the achievement of the objectives of the International Decade of the World's Indigenous People.

69. He drew attention to the positive developments in the peace process in Guatemala. Although the indigenous point of view had not been fully taken into account in the Peace Agreement signed in December 1996, that oversight would certainly be corrected by the follow-up measures. In that connection, he paid a tribute to the independent expert, Mrs. Monica Pinto, for her excellent work for the United Nations programme of technical cooperation in Guatemala. As the peace process was still very fragile, he urged the Commission to extend Mrs. Pinto's mandate.

70. Mr. MADAHBEE (Saami Council) said that the First Nations Assembly favoured the early adoption of the draft United Nations declaration on the rights of indigenous peoples, which was a minimal standard. With regard to the Organization of American States (OAS) draft declaration on indigenous people, the Assembly endorsed the recommendations of the Indian Law Resource Centre regarding the need to hold regional workshops for broad and extensive consultations with indigenous people and organizations.

71. The establishment of a permanent forum for indigenous people required full cooperation by States as well as indigenous people and organizations. The Assembly intended to make some constructive proposals in that connection at the workshop to be held in Chile.

72. Land and resources were of crucial importance for indigenous people. In the absence of an appropriate territorial base, self-determination would be an empty word. For that reason, the Assembly favoured the adoption of a resolution recommending that a study should be conducted on the land rights of indigenous people.

73. In order to improve the deplorable economic conditions of the First Nations in Canada, they must be helped to recover the lands to which they were entitled. The Government's recent attempt unilaterally to impose measures for

redefining and restricting the conventional rights of indigenous people without their consent raised serious concerns. The Royal Commission on Indigenous Peoples had just published its five-year report, in which it recommended a complete change of direction and the resumption of relations between the indigenous people and the federal authorities on new bases. The Government had so far chosen to ignore those recommendations. In addition, the distribution of powers between the federal and provincial authorities perpetuated a situation in which the interests of the provinces prevailed over the rights of indigenous people. The federal Government, whose responsibility it was to protect those rights, was doing nothing to redress that situation.

74. Mrs. NASIR (Pax Christi International) said that she appreciated the fact that a growing number of indigenous organizations had been given permission to participate in the Working Group preparing a draft United Nations declaration on the rights of indigenous people. Unfortunately, however, during the Working Group's second session in October 1996, the indigenous representatives had not been included in the decision-making process concerning the organization of work and the establishment of the agenda. If the declaration was to have any real value, the full participation of indigenous people was crucial.

75. Although she understood that discussion on certain issues regarding the draft declaration was still necessary from the legal point of view, the declaration should not be redrafted from scratch.

76. Important as it was, the future declaration would not be sufficient to improve the situation of indigenous people. She thus urged the United Nations to establish a permanent forum for indigenous people at such a level that the discussion would not be limited to human rights but would encompass all other aspects relevant to indigenous people such as economic, social, cultural and political issues.

77. Her organization was concerned that the latest round of negotiations between the Government of Bangladesh and the Jana Samhati Samiti (JSS) had not resulted in any progress towards a solution to the conflict in the Chittagong Hill Tracts. It was essential that the United Nations and the international community should closely monitor the efforts of both sides to reach agreement.

78. In Australia, her organization had been increasingly concerned at the withdrawal by the new Government from human rights commitments made to the Aboriginal people in the past.

79. In December 1996, the two Mapuche communities of Argentina, Norquino-Puel-Salazar and Ruka Choroy, had been forcibly evicted from their ancestral lands. Under Argentine law, that was illegal, since title to the land was officially held by the local Mapuche communities.

80. She also wished to refer to the urgent situation of the Navajo and Hopi families in northern Arizona who were currently facing forced relocation. She was concerned at reports that a 31 March 1997 deadline had been set for the Navajo traditional elders to sign the agreement evicting them from their homelands. It had been hoped that the court-ordered mediation in which the Hopi and the Navajo had participated would lead to a peaceful settlement of

the situation, but those efforts appeared to have reached a deadlock. Furthermore, the Hopi Tribal Council had voted on 10 March 1997 against an extension of the dealine. Since traditional elders of both the Navajo and the Hopi had expressed the wish to continue the dialogue in order to resolve the situation, her organization urged the Government of the United States not to enforce the 31 March deadline, but to promote further negotiations between the Navajo and the Hopi, which was the only way to reach a peaceful settlement respecting the rights and dignity of the families directly involved.

81. In West Papua, the Indonesian authorities were continuing their intimidation and repression of Papuans. Evictions of indigenous people from their villages to make way for an expansion of mining concessions continued to provoke clashes. In Burma, the forced relocation of tens of thousands of Mon and Karenni villagers was particularly distressing. The deported people were made to do forced labour in intolerable conditions.

82. Lastly, her organization welcomed the fact that Papua New Guinea had abandoned the use of mercenaries in Bougainville. She urged the Commission to request the Secretary-General to resume his good offices to facilitate a dialogue and negotiations towards a just and lasting peace.

83. Mr. SWU (Society for Threatened Peoples), having summarized the history of the Naga nation, which numbered three million, and whose ancestral lands had been occupied by India and Burma for nearly 50 years, said that, on 1 April 1995, the Indian Government had declared Nagaland a "disturbed area" and dispatched 50,000 special troops to reinforce the 200,000 occupation forces already in place. Simultaneously, the Burmese Government was stepping up its operations in a joint attempt with the Indian armed forces to crush the Nagas.

84. As the Naga nation had never been a part of India or Burma, the problem was not one of separation or secession but of independence. The Nagas' nationhood was non-negotiable and they would under no circumstances part with their right to self-determination.

85. After 43 years of fighting and untold sufferings, the leaders and generals of India had admitted the futility of their search for a military solution and accepted the principle of a political solution. The leaders of the National Socialist Council of Nagaland had responded positively to the Indian overtures and both parties had agreed to begin negotiations at the highest level and on an unconditional basis.

86. Mr. CHOUDHURY (Liberation) said that the valleys of the south-eastern Himalayas had been inhabited from the dawn of history by indigenous peoples which had so far maintained their distinct socio-ethnic and cultural identities. Those communities spoke no less than 500 languages. The region had never been a part of the Hindu and Muslim empires of India. After the British had left in 1947, efforts had been made to establish self-governing institutions, but the newly-formed Indian State had decided otherwise and had imposed colonial domination over the indigenous peoples of Assam, Manipur, Tripura, Nagaland, Megahlaya, Arunachal Pradesh and Mizoram.

87. Although the region contained significant natural resources, it remained one of the least developed regions of India. The transfers of population which the Indian authorities had been conducting since 1948 had completely changed its demographic balance, so that the indigenous people had become a minority in their own land. The onslaught of the dominant Indian culture in the name of national integration was another threat to indigenous identity, cultural traditions and values nurtured over the ages. In the schools, indigenous children had to study the history of India, which had little to do with their own people.

88. The threat represented by the Indian culture had provoked a reaction from the indigenous peoples. A non-violent resistance movement against illegal immigration and economic expolitation had raged in Assam from 1979 to 1985. Accords had been signed but had never been implementated. As the so-called constitutional process had not restored their legitimate rights, the peoples in question had ultimately demanded self-determination. To suppress their demands, the Indian State resorted to force, committing gross human rights violations in the process.

89. At that very moment, the unified command of the Indian army, paramilitary and police force was fighting a relentless internal war against the forces of the indigenous peoples of Assam. Extrajudicial killings, rape, torture, arbitrary arrest and house-burning had become routine practices. But the indigenous peoples of Assam would not give up until their legitimate right to self-determination was achieved.

90. Mr. CHAMBERLAIN (International Educational Development) said that his organization worked closely with 50 Mexican human rights organizations grouped into a network entitled "Todos los derechos para todos" (All Rights for Everyone).

91. There were 56 Indian peoples in Mexico, which represented approximately 10 per cent of the population and were the poorest of the (40 per cent) poor people in the country. The Committee on the Elimination of Racial Discrimination had termed that situation discriminatory. The multicultural nature of the Mexican nation had not been established in the Constitution (art. 4) until 1992. Unfortunately, during the constitutional revision, an amendment to article 27 had jeopardized the principle of the collective ownership of Indian lands, which had been subjected to market laws, leaving the Indians defenceless in the face of greedy investors. The Committee on the Elimination of Racial Discrimination had therefore recommended that the Government promote the protection of the Indian lands affected by the reform.

92. Since 1994, in Chiapas, the EZLN (Zapatista National Liberation Army) had been demanding that the rights of indigenous Mexicans be recognized. Despite a ceasefire agreement, the army was heavily present in the region, filtering humanitarian aid according to political criteria and destroying the indigenous communities' social fabric, as shown by the increases in family violence, alcohol and drug consumption and prostitution.

93. The Comisión de Concordia y Pacificación (COCOPA) had recently proposed a revision of the Constitution on the basis of the San Andrés Agreements signed by the two parties. The EZLN had accepted the proposal, but the Government had rejected it, showing that it preferred to pursue its policy of repression and militarization of the most heavily populated indigenous regions rather than enter into a genuine dialogue with the Indian peoples.

94. Given the harassment, enforced disappearances, arbitrary detentions and, in many cases, murders to which the indigenous communities were subjected by the military, police and paramilitary groups, his organization urged the international community to see that the international treaties ratified by Mexico were respected and called upon the Government of Mexico to accept COCOPA's proposal and invite the special rapporteurs who had asked to visit the country to do so. It would, in that way, show its will to promote human rights, especially those of the most vulnerable groups: the indigenous peoples.

The meeting rose at 1.05 p.m.